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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,030	11/15/2000	Richard Davidsen	ATL 244	5221

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EXAMINER

MEDLEY, PETER M

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 03/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,030

Applicant(s)

DAVIDSEN, RICHARD

Examiner

Peter M Medley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 13-16, and 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawabe et al.

With respect to claims 1-4, 9-11, and 28-32, the reference discloses an ultrasonic transducer in **figs. 3(a) and 3(e)** comprising transducers **1** and a backing block assembly comprising flex circuits **6** and an acoustic backing material of predetermined thickness and acoustic scatters (last paragraph of column 7).

With respect to claims 5-7, 13-15, the reference discloses that the flex circuits **6** have traces **33**, are conductively plated **34**, and extend beyond the plated in **fig. 3(e)**.

With respect to claims 8 and 16, the reference discloses epoxy in the last paragraph of column 7.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawabe et al in view of Greenstein (5,329,498).

The reference discloses an ultrasonic transducer in **figs. 3(a) and 3(e)** comprising transducers 1 and a backing block assembly comprising flex circuits 6 and an acoustic backing material of predetermined thickness and acoustic scatters (last paragraph of column 7).

The reference does not disclose plates of different sizes.

Green stein discloses a laminated structure for electrical and mechanical connection for the purpose of attenuating rearwardly directed wave energy. It would have been obvious to one of ordinary skill in the art to modify Kawabe et al to have plates of different directions for the purpose of attenuating rearwardly directed wave energy.

4. Claims 17-21 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawabe et al.

With respect to claims 17, 18, 20, and 24-27, the reference discloses an ultrasonic transducer in **figs. 3(a) and 3(e)** comprising transducers 1 and a backing block assembly comprising flex circuits 6 and an acoustic backing material of predetermined thickness and acoustic scatters (last paragraph of column 7).

The reference does not disclose separate plates and adhesive.

The courts have ruled that separating one element into two elements is an obvious modification. *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (The claimed structure, a lipstick holder with a removable cap, was fully met by

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the prior art except that in the prior art the cap is "press fitted" and therefore not manually removable. The court held that "if it were considered desirable for any reason to obtain access to the end of [the prior art's] holder to which the cap is applied, it would be obvious to make the cap removable for that purpose."). It would have been obvious to one of ordinary skill in the art to modify Kawabe et al by using a pre-formed plate and adhesive for the purpose of reducing drying time of the finished device.

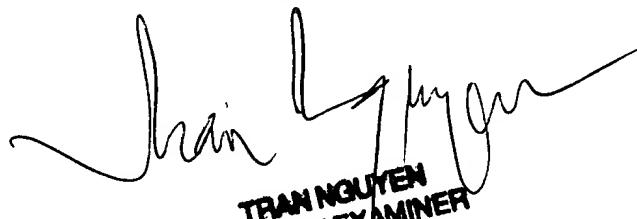
With respect to claims 19, 21, 23, the reference discloses that the flex circuits **6** have traces **33**, are conductively plated **34**, and extend beyond the plated in **fig. 3(e)**.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter M Medley whose telephone number is 703-305-0494. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


TRAN NGUYEN
PRIMARY EXAMINER

PM
March 11, 2002